



Federal Utility Partnership Working Group
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Federal On-Site Renewable Power Purchasing Issues

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Overview

- OMB Memo Summary
- Issue Paper Development
- Termination
- ESPC PPA Update

CEQ/OMB Memo Summary

- 8/16/11: Supporting Energy and Sustainability Goal Achievement Through Efficiency and Deployment of Clean Energy Technology
- Encourages Agencies to use ESPCs and UESCs and requests Agencies report ESPCs and UESCs to FEMP
- Requests review of all types of PPAs

Issue Paper Development

- FEMP is drafting papers on deployment issues
- Purpose: to provide a central point of information
- Proposed papers: interconnection, rebates & incentives, termination, others?
- Please email suggested topics to Tracy & Chandra

Termination Issues

- Should funding be set-aside to fund termination?
- Can a termination value schedule be included in a PPA contract, rather than a termination ceiling?
- What FAR clauses apply?
- Issue was covered at GovEnergy PPA Workshop

Termination – Possible FAR Clauses

- FAR 17.106 Multi-Year Contracting General
- FAR Part 31 Contract Cost Principles and Procedures
- FAR Part 49 Termination of Contracts
 - 49.103 Methods of settlement
 - 49.201 General
- FAR 52.212-4(1) Termination for the Government's convenience
- FAR 52.212-4(m) Termination for cause
- FAR 52.241-10 Termination Liability
- 52.243-1 Changes—Fixed-Price
- 52.249-2 Termination for Convenience of the Government (Fixed-Price)
- Others?

Termination – GovEnergy PPA Workshop Key Discussion Points

- FAR Part 31 can be used to determine allowable costs
- FAR 52.241-10 provides reimbursement for remaining facility costs
- FAR 52.249-2 provides reimbursement for other allowable costs
- FAR Part 49 discusses termination for convenience rights and responsibilities.
 - Allowable to document those types of damages anticipated by parties

Federal On-Site Renewable PPA Team

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